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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,968	10/31/2006	Daniel Lecomte	27592-01115-US	4070
30678	7590	12/03/2009	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			DOAN, TRANG T	
1875 EYE STREET, N.W.			ART UNIT	PAPER NUMBER
SUITE 1100			2431	
WASHINGTON, DC 20006				

  

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12/03/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/592,968	LECOMTE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TRANG DOAN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 September 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>09/15/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. Claims 1-16 are pending for consideration.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 09/15/2006 is being considered by the examiner.

***Specification***

4. The abstract of the disclosure is objected to because it is not limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

***Drawings***

5. The drawings are objected to because the labels in figure 1 and figure 2 are not in English. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

6. Claim 5 is objected to because of the following informalities:  
  
In line 5 of claim 1, the phrase "to equipment of our addressee" should be changed to "to equipment of client's addressee".  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 9-11 recite the limitation "the analysis equipment" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-14 and 16 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter by imposing meaningful limits or significant steps properly tied to a particular machine, and therefore do not qualify as a statutory process. The recited process claim(s) including steps which are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. Any other claims not addressed are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2431

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-13 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dawson (US 7382969) (hereinafter Dawson).

Regarding claim 1, Dawson discloses a process for distributing audiovisual sequences according to an original stream format having a succession of frames, the original stream on which an analysis is made, prior to transmission to client equipment, to generate a first modified main stream and complementary information, then the modified main stream and the complementary information are transmitted separately to equipment of our addressee, and for which a synthesis of a stream in the original format is calculated on the equipment of the addressee as a function of the modified main stream and the complementary information (Dawson: column 5 lines 56-67; and column 6 lines 1-10), wherein the analysis of the original stream comprises: an operation application stage comprising modelings generating sequences of pseudorandom values with known parameters (Dawson: column 8 lines 35-44: blocks of censored content (e.g., extracted video signal content 405) may be extracted at random), a stage for the extraction of the original data as a function of pseudorandom sequences (Dawson: column 4 lines 50-67; and column 5 lines 1-15:extracted from a video signal and replaced with marred content), and a stage for storage of parameters of modelings in

the complementary information (Dawson: column 5 lines 25-27; and column 7 lines 35-40).

Regarding claim 2, Dawson discloses wherein the parameters are stored integrally in the complementary information (Dawson: column 5 lines 25-27; and column 7 lines 35-40).

Regarding claim 3, Dawson discloses wherein the parameters are stored partially in the complementary information (Dawson: column 5 lines 25-27; and column 7 lines 35-40).

Regarding claim 4, Dawson discloses wherein the pseudorandom values represent information relative to at least one characteristic of the data extracted in the original stream (Dawson: column 9 lines 32-62).

Regarding claim 5, Dawson discloses wherein the pseudorandom values represent information relative to the position of the data extracted in the original stream (Dawson: column 9 lines 32-62).

Regarding claim 6, Dawson discloses wherein the parameters of these modelings are random (Dawson: column 8 lines 35-44).

Regarding claim 7, Dawson discloses wherein the parameters of these modelings are data extracted from the original stream (Dawson: column 9 lines 26-62).

Regarding claim 8, Dawson discloses wherein the modelings are random (Dawson: column 8 lines 35-44).

Regarding claim 9, Dawson discloses wherein the modelings are generated from at least one characteristic of the analysis equipment (Dawson: column 9 lines 26-62).

Regarding claim 10, Dawson discloses wherein the modelings are stored in the analysis equipment (Dawson: column 7 lines 11-17).

Regarding claim 11, Dawson discloses wherein the modelings used by the analysis equipment are sent in advance by the equipment of the addressee (Dawson: column 5 lines 55-67).

Regarding claim 12, Dawson discloses wherein the modelings are stored in a smart card of the equipment of the addressee (Dawson: column 5 lines 25-27).

Regarding claim 13, Dawson discloses wherein synthesis of the original stream is carried out as functions of the parameters of the modelings, reproducing the

pseudorandom values obtained during the analysis stages (Dawson: column 10 lines 3-29).

Regarding claim 15, Dawson discloses a system for producing an audiovisual stream, comprising at least one multimedia server containing original audiovisual sequences, an apparatus for analysis of the audiovisual stream for separation of an original video stream into a modified main stream and into complementary information as a function of the analysis, at least one telecommunication network for transmission and at least one apparatus in the equipment of the addressee for reconstruction of the audiovisual stream as a function of the modified main stream and the complementary information (Dawson: column 9 lines 32-62).

Regarding claim 16, Dawson discloses a process for distributing audiovisual sequences according to an original stream format having a succession of frames including: performing modelings on the original stream to generate sequences of pseudorandom values with no parameters (Dawson: column 8 lines 35-44: blocks of censored content (e.g., extracted video signal content 405) may be extracted at random); extracting original data as a function of pseudorandom sequences (Dawson: column 4 lines 50-67; and column 5 lines 1-15:extracted from a video signal and replaced with marred content); generating a first modified main stream and complementary information (Dawson: see figure 6A item 609: marred content in a first channel and extracted video content in a second channel); storing at least one parameter from the modelings in the complementary information (Dawson: column 7

lines 16-17); separately transmitting the modified main stream and the complementary information to an addressee (Dawson: column 5 lines 28-35); and synthesizing a stream in original format by equipment of the addressee as a function of the modified main stream and the complementary information (Dawson: column 6 lines 41-55).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Ferris (US 2003/0177142) (hereinafter Ferris).

Regarding claim 14, Dawson does not disclose the process of claim 1 which is lossless. However, Ferris discloses the process of claim 1 which is lossless (Ferris: paragraphs 0035 and 0041-0043). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included in Dawson the feature of Ferris as discussed above because efficient use of bandwidth without excessive complexity is desirable. Traditionally, DAB high-level protocols (e.g., FIGs, TPEG, etc.) have been parsimonious about resource usage, but at the cost of complexity. The BDB application should aim for simplicity, whilst still providing efficient

use of resources. This strongly suggests the use of high-level lossless compression technologies (Ferris: paragraph 0035).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/  
Examiner, Art Unit 2431

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431